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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,060	10/20/2000	Joel E. Short	42253/205301	8830
826	7590	08/13/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			WON, MICHAEL YOUNG	
		ART UNIT	PAPER NUMBER	
		2155		

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/693,060	SHORT ET AL.
	Examiner	Art Unit
	Michael Y Won	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. Claims 1, 10, and 17 have been amended and claims 25-32 have been cancelled.
2. Claims 1-24 have been re-examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-11, and 14-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Ankney et al. (US 5113499 A).

INDEPENDENT:

As per claim 1, Ankney teaches a method for selectively controlling and customizing source access to a network, wherein the source is associated with a source computer (see col.1, lines 12-18), comprising: receiving at the gateway device a request from the source computer for access to the network (see col.5, lines 46-57), wherein the source computer has transparent access (see col.6, lines 28-29) to the network (see Fig.3 and col.1, lines 7-11) via a gateway device and no configuration

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software need be installed on the source computer to access the network (see col.7, lines 3-19); identifying an attribute associated with the source based upon a packet transmitted from the source computer and received by the gateway device (see col.1, lines 24-27 and col.5, lines 46-57); accessing a source profile corresponding to the source and stored in a source profile database, wherein the source profile is accessed based upon the attribute, and wherein the source profile database is located external to the gateway device and in communication with the gateway device (see Fig.3; col.5, lines 58-67; and col.7, lines 40-44), and determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access the network (see col.6, lines 29-32).

As per claim 10, Ankney teaches a system for selectively controlling and customizing access, to a network, by a source, where the source is associated with a source computer, and wherein no configuration software need be installed on the source computer to access the network (see col.7, lines 3-19), comprising: a gateway device (see col.5, lines 46-47: "packet switch"), wherein the gateway device receives a request from the source for access to the network (see col.5, lines 46-50) and provides the source computer with transparent access (see col.6, lines 28-29) to the network (see Fig.3 and col.1, lines 7-11); a source profile database in communication with the gateway device and located external to the gateway device (see Fig.3), wherein the source profile database stores access information identifiable by an attribute associated with the source, and wherein the attribute is identified based upon a data packet

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transmitted from the source computer and received by the gateway device (see col.5, lines 58-67 and col.7, lines 40-44), and an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and source profile database, wherein the AAA server determines if the source is entitled to access the network based upon the access information stored within the source profile database, and wherein the AAA server determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network (see Fig.8-Fig.10; col.5, lines 7-16 & 58-67; and col.7, lines 20-27 & 40-44).

DEPENDENT:

As per claim 2, Ankney further teaches wherein determining the access rights of the source based upon the source profile comprises determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access a requested network destination (see col.3, lines 51-60; col.5, lines 7-16 & 58-67; and col.7, lines 40-44).

As per claim 3, Ankney teaches of further comprising assigning a location identifier to the location from which requests for access to the network are transmitted, and wherein the location identifier is the attribute associated with the source (see col.17, lines 9-12 and col.19, lines 14-17).

As per claim 6, Ankney teaches of further comprising updating the source profile database when a new source accesses the network (see col.16, lines 62-68; col.18, lines 16-20; and col.20, lines 42-45).

As per claim 7, Ankney teaches of further comprising maintaining in the source profile database a historical log of the source's access to the network (see col.20, lines 46-50).

As per claim 8, Ankney further teaches wherein the attribute associated with the source is based upon one of a MAC address, User ID or VLAN ID associated with the source computer from which the request for access to the network was transmitted (see col.1, lines 24-27 and col.7, lines 40-46).

As per claim 9, Ankney further teaches wherein receiving at the gateway device a request from a source for access comprises the step of receiving a destination address from the source (see col.1, lines 21-27 & 61-65 and col.5, lines 39-45).

As per claim 11, Ankney further teaches wherein the packets received by the gateway device include at least one of VLAN ID, a circuit ID, and a MAC address (see col.1, lines 24-27 and col.7, lines 40-46).

As per claim 14, Ankney further teaches wherein the source profile database includes a plurality of source profiles, wherein each respective source profile of the plurality of source profiles contains access information (see col.5, lines 58-67; col.7, lines 40-44; and col.20, lines 42-45).

As per claim 15, Ankney further teaches wherein each respective source profile contains historical data relating to the duration of network access for use in determining the charges due for the network access (see col.15, lines 2-9 and col.20, lines 2-5).

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As per claim 16, Ankney further teaches wherein the source profile database is located within the AAA server (see Fig.8-Fig.10 and col.16, lines 59-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 12, and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankney et al. (US 5113499 A) in view of Vaid et al. (US 6502131 B1).

As per claims 4 and 12, Ankney teaches all the limitations including wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database (see col.5, line 59). However, Ankney does not explicitly teach wherein the source profile database comprises a remote authentication dial-in user service (RADIUS). Vaid teaches of a database comprising a remote authentication dial-in user service (RADIUS) (see col.28, lines 16-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Vaid within the system of Ankney by implementing RADIUS within the source accessing system and method because Ankney teaches of a remote (see abstract, last sentence) and "dial up" (see col.6, lines 35-39) service.

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Therefore, since Vaid teaches that RADIUS could be considered to be policy servers and further teaches, "policies are rules that govern the behavior of the networking infrastructure in providing services such as QoS, security..." (see col.25, lines 2-5), one of ordinary skill in the art would implement RADIUS to enforce the policies of the security system of Ankney.

As per claims 5 and 13, Ankney teaches all the limitations including wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database (see col.5, line 59). However, Ankney does not explicitly teach wherein the source profile database comprises a lightweight directory access protocol (LDAP) database. Vaid teaches of a database comprising a lightweight directory access protocol (LDAP) database (see col.27, lines 56-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Vaid within the system of Ankney by implementing LDAP within the source accessing system and method because Vaid teaches that policies are usually stored in LDAP databases and "policies are rules that govern the behavior of the networking infrastructure in providing services such as QoS, security..." (see col.25, lines 2-6) like the security service system of Ankney.

5. Claims 17 and 20-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankney et al. (US 5113499 A) in view of Bowker et al. (US 6317790 B1).

As per claim 17, Ankney teaches a method for redirecting (see col.15, lines 2-4) a source attempting to access a destination through a gateway device, wherein source is associated with a source computer, and wherein the gateway device enables the source to communicate with a network without requiring the source computer to include network software configured for the network (see claim 1 rejection above), comprising: receiving at the gateway device a request from the source to access the network (see col.5, lines 46-50); identifying the source based upon an attribute associated with the source (see col.1, lines 24-27 and col.5, lines 46-57); accessing a source profile database located external to the gateway device, the source profile database storing access rights of the source (see col.5, lines 53-67); determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network (see col.7, lines 37-62).

Ankney does not explicitly teach directing the source to a redirection site when the source profile is not located within the source profile database. Bowker teaches of directing the source to a redirection site when the source profile is not located within the source profile database (see col.11, lines 2-5; col.13, lines 59-62; and col.14, lines 30-33 & 59-61). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bowker within the system of Ankney by implementing a redirection site for directing the source when the source profile is not located within the source profile database because such an

implementation allows a condition to be applied such as redirection to a registration site for sources without a profile or redirection to a notification site denying access to invalid sources (see Bowker: col.14, lines 14-16).

As per claim 20, Ankney teaches of further comprising assigning a location identifier to the location from which requests for access to the network are transmitted, and wherein the location identifier is the attribute associated with the source (see col.17, lines 9-12 and col.19, lines 14-17).

As per claim 21, Ankney teaches of further comprising updating the source profile database when a new source accesses the network (see col.16, lines 62-68; col.18, lines 16-20; and col.20, lines 42-45).

As per claim 22, Ankney teaches of further comprising maintaining in an accounting database a historical log of the source's access to the network, wherein the accounting database is in communication with the source profile database (see col.20, lines 47-61).

As per claim 23, Ankney further teaches wherein receiving at the gateway device a request from a source for access comprises the step of receiving a destination address from the source (see col.1, lines 21-27 & 61-65 and col.5, lines 39-45).

As per claim 24, Ankney further teaches wherein determining if the source computer is entitled to access the destination address further comprises denying the source computer access where the source profile indicates that the source computer is denied access (see col.6, lines 29-32 & 39-47).

6. Claims 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankney et al. (US 5113499 A) and Bowker et al. (US 6317790 B1) in view of Vaid et al. (US 6502131 B1).

As per claim 18, Ankney and Bowker teach all the limitations including wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database (see Ankney: col.5, line 59). However, Ankney and Bowker do not explicitly teach wherein the source profile database comprises a remote authentication dial-in user service (RADIUS). Vaid teaches of a database comprising a remote authentication dial-in user service (RADIUS) (see col.28, lines 16-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Vaid within the system of Ankney and Bowker by implementing RADIUS within the source accessing system and method because Ankney teaches of a remote (see abstract, last sentence) and "dial up" (see col.6, lines 35-39) service. Therefore, since Vaid teaches that RADIUS could be considered to be policy servers and further teaches, "policies are rules that govern the behavior of the networking infrastructure in providing services such as QoS, security..." (see col.25, lines 2-5), one of ordinary skill in the art would implement RADIUS to enforce the policies of the security system of Ankney.

As per claim 19, Ankney and Bowker teach all the limitations including wherein accessing a source profile corresponding to the source comprises accessing a source

profile stored in a source profile database (see Ankney: col.5, line 59). However, Ankney and Bowker do not explicitly teach wherein the source profile database comprises a lightweight directory access protocol (LDAP) database. Vaid teaches of a database comprising a lightweight directory access protocol (LDAP) database (see col.27, lines 56-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Vaid within the system of Ankney and Bowker by implementing LDAP within the source accessing system and method because Vaid teaches that policies are usually stored in LDAP databases and “policies are rules that govern the behavior of the networking infrastructure in providing services such as QoS, security... ” (see col.25, lines 2-6) like the security service system of Ankney.

Response to Arguments

7. In response to the argument regarding claims 1 and 10, specifically that Ankney does not teach “wherein the source computer has transparent access to the network...”, although the examiner agrees with the applicant(s) that “The source is not, in it of itself, the source computer” and with respect to the claim language supported by the applicants’ specification, the user is not a source computer, Ankney teaches that the source devices (see col.1, lines 12-18) are typically “referred to as users” (see col.1, lines 18-19). Therefore, although Ankney teaches of “transparent to the user” (see

col.6, lines 28-29), further teaching of Ankney suggests that the user can be a source computer. Claims 1 and 10 remain rejected.

8. In response to the argument regarding claims 1 and 10, specifically that Ankney does not teach "no configuration software need be installed on the source computer to access the network" similar reasoning applies.
9. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

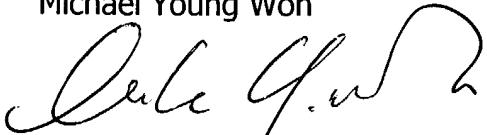
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Young Won



August 10, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER